

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00135

DAVID THACKER, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 14, 2006, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, David Thacker, Jr., appeared in person and by his counsel, S. Benjamin Bryant, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Michael S. Hill, the defendant having commenced a three-year term of supervised release in this action on April 2, 2004, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on October 11, 2002.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used marijuana as evidenced by his admission that he used it on July 2, 2004, and used marijuana on November 20 and 29, 2004, as evidenced by his written, signed statement to Ohio Highway Patrol Trooper A. E. Wood; (2) that the defendant committed the offense of disorderly conduct on November 20, 2004, as evidenced by his plea of no contest for which he was fined \$100 plus court costs; (3) that the defendant failed to file a timely report with the probation officer inasmuch as he quit his job on February 19, 2005, and instead of notifying the probation officer stated on March 18, 2005, that he was still employed on the job site; (4) that the defendant committed the offense of leaving the scene of an accident, as evidenced by his guilty plea for which he was sentenced to time served; (5) that the defendant committed the offense of driving on a suspended license, as evidenced by his guilty plea for which he was ordered to pay fine and costs; (6) that the defendant committed the offense of operating a motor vehicle under the influence of alcohol/drugs, as evidenced by his guilty plea for which he received a sentence of thirty days in

jail, drivers license suspended 90 days and a \$200 fine; and (7) that the defendant committed the offenses of possession of controlled substance, third degree, and use/possession of drug paraphernalia, as evidenced by his guilty plea for which he was sentenced; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of

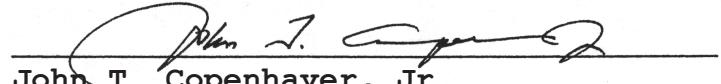
TWELVE MONTHS AND ONE DAY to be followed by a term of TWENTY-FOUR MONTHS LESS ONE DAY supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime and the special condition that he make himself available for drug abuse counseling and treatment as directed by the probation officer. It is further ORDERED that, with respect to defendant's twelve-month-and-one-day term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from February 8, 2006, to March 14, 2006.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Ashland, or, alternatively, to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 24, 2006



John T. Copenhaver, Jr.
United States District Judge